

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB786)

Received: **04/25/2006**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **John Gard (608) 266-3387**

By/Representing: **Jason Culotta**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gard@legis.state.wi.us**

Carbon copy (CC:) to: **christopher.sundberg@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Only motor vehicle fuel covered; lower penalty

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 04/25/2006	lkunkel 04/25/2006		_____			
/1	csundber 04/25/2006	lkunkel 04/25/2006	jfrantze 04/25/2006	_____	lnorthro 04/25/2006	lnorthro 04/25/2006	
/2			chaugen 04/25/2006	_____	mbarman 04/25/2006	mbarman 04/25/2006	

FE Sent For:

<END>

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/?	csundber	1 m/c 4/25 06	J 4/25	JCh 4/25			

FE Sent For:

<END>

4/25 Colotta

Jason/Gard

AB 786 - Sub. amend

Due: today?

1. Only motor vehicle traf
2. Administered by DATCP → double check on this
3. Penalties:

Sundberg, Christopher

To: Culotta, Jason
Subject: AB786

Under current s. 93.07 (1), DATCP may "adopt such measures and make such regulations as are necessary and proper for the enforcement by the state of chs. 93 to 100." While the bill grants DOJ enforcement authority, that's not inconsistent with DATCP exercising its authority to administer the provisions of ch. 100, including interpreting the "grossly exceeds" language.

Christopher Sundberg
Legislative Attorney
Legislative Reference Bureau
(608) 266-9739
christopher.sundberg@legis.state.wi.us

In: 4/25/06
wanted: now

2005 - 2006 LEGISLATURE

50714/1
LRB-3682/1 RMNR
CTS:lmk:rs
stays
~~stay~~

ASSEMBLY SUBSTITUTE AMENDMENT
TO **2005 ASSEMBLY BILL 786**

October 25, 2005 - Introduced by Representatives ZEPNICK, LEHMAN, SHILLING, SEIDEL, SHERIDAN, POCAN, SINICKI and TOLES, cosponsored by Senators HANSEN, DECKER, CARPENTER, TAYLOR, LASSA, RISSE and ERPENBACH, by request of Attorney General Peggy A. Lautenschlager. Referred to Committee on Judiciary.

- 1 AN ACT *to amend* 100.26 (4m); and *to create* 100.54 of the statutes; relating
(2) to: prohibiting charging grossly excessive prices for consumer goods and
(3) services and providing a penalty. ✓

substitute amendment
Analysis by the Legislative Reference Bureau

This bill prohibits charging for consumer goods or services a wholesale or retail price that grossly exceeds the price at which similar goods or services are sold or that grossly exceeds the average price at which similar consumer goods or services were sold in the 12-month period immediately preceding a sale of the goods or services.

Under the bill, "consumer goods or services" means goods or services typically used for personal, family, or household purposes, including emergency and medical supplies, transportation, freight and storage services, motor vehicle fuels, consumer food items, home heating oil, building materials, housing, personal investment opportunities, personal business opportunities, and personal training courses. "Consumer goods or services" does not include investment or business opportunities or training courses, when offered to a business; real estate, except cemetery lots or time shares; or certain pay-per-call services or newspaper subscriptions.

no P Under the bill, the attorney general investigates violations of, and enforces, the provisions of the bill.

substitute amendment

the motor vehicle fuel was

ASSEMBLY BILL 786

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 100.26 (4m) of the statutes is amended to read:

100.26 (4m) Any person who violates s. 100.18 (10r) or 100.54 is subject to a civil forfeiture of not less than \$100 nor more than \$10,000 for each violation.

SECTION 2. 100.54 of the statutes is created to read:

100.54 Grossly excessive prices for consumer products prohibited. (1)

In this section, "consumer goods or services" means goods or services typically used for personal, family, or household purposes. "Consumer goods or services" includes emergency and medical supplies, transportation, freight and storage services, motor vehicle fuels, consumer food items, home heating oil, building materials, housing, a personal investment opportunity, a personal business opportunity, or a personal training course, but does not include any of the following:

(a) An investment opportunity, business opportunity, or training course, when offered to a business.

(b) Real estate, except a time share as defined in s. 707.02 (24) or a cemetery lot.

(c) A pay-per-call service, unless the sale of the service violates s. 196.208.

(d) A newspaper subscription, if the consumer may cancel the subscription at any time without penalty.

(2) No person may charge a wholesale or retail price for consumer goods or services that grossly exceeds the price at which similar goods or services are sold or that grossly exceeds the average price at which similar consumer goods or services

motor vehicle fuel

the motor vehicle fuel was

by another

the motor vehicle fuel is

motor vehicle fuel

INS 2-1

ASSEMBLY BILL 786

① were sold in the 12-month period immediately preceding a sale of the goods or
② services.

③ ~~②~~ (2) ~~(3)~~ The attorney general shall investigate violations of, and enforce, this
4 section.

5

(END)

motor vehicle
fuel

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0714/lins
CTS:.....

- 1 Insert 2-1: ✓
- 2 **SECTION 1.** 100.26 (10) of the statutes is created to read:
- 3 100.26 **(10)** Any person who violates s. 100.55 may be required to forfeit not less
- 4 than \$100 nor more than \$5,000 for each violation. ✓

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

4/25/06
Jason/Gard

redraft LRBs 0714: ↑ penalty to \$10,000 max.





State of Wisconsin
2005 - 2006 LEGISLATURE

NOW

LRBs0714/4

CTS:lmk:jf

2
12MNR
↑
Stays

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2005 ASSEMBLY BILL 786

ReCom

- 1 AN ACT *to create* 100.26 (10) and 100.55 of the statutes; **relating to:** prohibiting
2 charging grossly excessive prices for motor vehicle fuel and providing a penalty.

Analysis by the Legislative Reference Bureau

This substitute amendment prohibits charging for motor vehicle fuel a wholesale or retail price that grossly exceeds the price at which motor vehicle fuel is sold by another or that grossly exceeds the average price at which motor vehicle fuel was sold in the 12-month period immediately preceding a sale of the motor vehicle fuel. Under the substitute amendment, the attorney general investigates violations of, and enforces, the provisions of the substitute amendment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- ③ SECTION 1. 100.26 (10) of the statutes is created to read:
④ 100.26 (10) Any person who violates s. 100.55 may be required to forfeit not less
⑤ than \$100 nor more than \$5,000 for each violation.
6 SECTION 2. 100.55 of the statutes is created to read:

INS 1-5

100.55 Grossly excessive prices for motor vehicle fuel prohibited. (1)

ASSEMBLY BILL 786

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 100.26 (4m) of the statutes is amended to read:

100.26 (4m) Any person who violates s. 100.18 (10r) or 100.54 is subject to a civil forfeiture of not less than \$100 nor more than \$10,000 for each violation.

SECTION 2. 100.54 of the statutes is created to read:

100.54 Grossly excessive prices for consumer products prohibited. (1)

In this section, “consumer goods or services” means goods or services typically used for personal, family, or household purposes. “Consumer goods or services” includes emergency and medical supplies, transportation, freight and storage services, motor vehicle fuels, consumer food items, home heating oil, building materials, housing, a personal investment opportunity, a personal business opportunity, or a personal training course, but does not include any of the following:

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